App. F. IX-4

1926.

File No. 268-26

Previous References
Pb 257-07 (1-13)

(Courts)

Serial Nos. 1 - 6

Later References
~~5127 (8-17)~~ Cs 195-32-142.
" 72-32-4-2

PRESERVED

General and Revenue Secretariat.

Serial Nos. Six

Part B for April 1928.

SUBJECT

Proposal to [illegible] certain offences in the First Schedule to the Indian Extradition Act 1903.

No P. 6012 87-4-28

Re the 78th Report

State's trial in Court [illegible] issue not agreed to - proposal

M Iyengar
12.4.28

G. R. S. III—1] 1926 27

GENERAL AND REVENUE SECRETARIAT.

Cts

NOTES.

File No. 268-27

FILE HEADING.

Enlarging the scope of the Schedule to the Indian Extradition Act by making certain offences extraditable

From

The G.G of Goa

C No. 2317 Dated 30.3.27 Received 1.4.27

Diary No. 4471	Enclos.	Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests that the govt of India be moved to bring certain offences under the Indian Penal Code within the scope of the Indian Extradition Act.

NOTES AND ORDERS.

1) The G. G of Goa recommends that 5 more offences may be included in the schedule to the Indian Extradition Act of 1903. viz causing death by negligence - Section 304 A IPC, Counterfeiting Currency notes or bank notes - section 489 A IPC, Using as genuine forged or counterfeit currency notes or Bank notes, section 489 B IPC, Possession of forged currency notes or Bank notes, section 489 C IPC and Making or possessing instruments or materials for forging or counterfeiting currency notes or Bank notes - Section 489-D IPC

NOTES—First Sheet.

WD 1881—GPB—30,000—1-8-21

WD 01229—GPB—37,500—1.8
App. F. III—2

General and Revenue Secretariat

No File No. 268 of 1926

Serial No.

He also quotes a concrete instance that occurred Jagalur.

The procedure in case, where for the trial of offences which are not extraditable is that one person have to prosecute them in British India provided any part of the offence is also committed in British India. If the offence is committed wholly in Mysore and the accused escapes into British territory, there is no means of punishing the accused unless the offences is one for which extradition may be applied for.

2 The offences detected by the C.I.D. are rather serious and some remedy seems necessary. This involves the amendment of the Indian Extradition Act. The Residency may perhaps be moved in the matter. Send with advt.

13/4/27

The file regarding the Jagalur Case referred to in the D.'s letter has been tied with the case re Counterfeit Currency notes manufacture in the Shemoga Dt.

Reference is invited to the First Schedule of the Extradition Act which gives a list of the Extradition Offences. It is not clear why, when offences relating to Coin and Court Stamps (Secs 230 to 263A) are included in the Schedule, offences relating to Currency notes & bank notes are not included. Perhaps they are excluded on the ground of their not being very common. The reason for omitting Sec 304A is not also apparent.

Send with the Extradition manual

Sd/-

NOTE—Contn. Sheet

App. F. III—2]

General and Revenue Secretariat. | File No. 266 of 1926

Serial No.

It will be seen from a reference to the English Extradition Act that offences against Currency notes or Bank notes are not included in the schedule to that Act, unless the offences relating to 'money' (item 3 in the schedule) unless 'money' is also taken to include paper money also — which does not seem to be meant.

But see item 4. which will include Currency notes, bank notes etc. S

The first schedule to the Indian Extradition Act can be added to by the issue of a notification by the Govt. of India cancelling in the schedule any other offence under the Penal Code or against any other law, and that addition may be made applicable either generally for all States or specially for any area or more States; Please see last item of the Schedule. Thus if the Govt. proposal to include in the schedule offences against Currency notes is agreed with the approval of the Govt of India, the addition can be made by the issue of a notification as mentioned above and no legislation is necessary.

There is a precedent for the inclusion of offences in the schedule.

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

App. F. III—2]

447/P 4

General and Revenue Secretariat. No. File No. 264 of 1926.

Serial No.

Court file 2579, pp 1-13, shows that the Residency was addressed in 1910 regarding the inclusion of Secs 453/460 of the Penal Code & the Residency agreed that the said offences should be regarded as Extradition offences.

2) Sanction for orders of the Residency may be addressed in the present case as proposed by the Hy Officer.

for 17/5

3) Sec 304 A was introduced into the I.P.C in 1874. The Extradition Act was passed in 1903. So section 304 A must have been deliberately omitted from the schedule to the Extradition Act. Sections 489 A & 489 D were introduced in the year 1899. They were also not included in the Extradition Act.

4) When a Br. British subject Commits an offence under section 304A or in respect of escapes into Br India he may be prosecuted there under section 188 Cr. Pro. code. But when a Singapore subject Commits similar offence & escapes into Br: territory

Please ascertain whether any Amendments have been made in the Sch to the Extn Act

18/5 [illegible] 19/5

Send with draft.

[illegible]
28
19/5

NOTE—Contn. sheet.

From the Head Clerk dd 15/6/27 State that the only amendment to the Schedule of the Extradition Act is the substitution of the words for 'body of Imperial Service troops' words of Indian State Forces

WD 2298—GPB—10,000—4-5-27

11 5

General and Revenue Secretariat. | No File No. 266 of 1926.

Serial No.

he can neither be extradited ~~to be~~ tried in Europe nor can he be tried in Br India

The D. G. of Police points out that deaths by rash & negligent driving of motor vehicles are of frequent occurrence & that the drivers cannot be arrested & brought to Europe

He therefore requests that the Residency may be moved to include Sec 304 A in the Schedule to the Extradition Act.

(B) With regard to Sections 489 A to 489 D, these offences are as serious as Cambisperting Coins (Sections 230 to 263A I.P.C.) and when the latter are extraditable there is no reason why the former should not be ~~is~~ made extraditable

The Residency may be moved in the matter.

Secy Legd

I.G.P has made out a good case. In the absence of motor vehicles ~~& transport~~ in 1903 ~~it was~~ the necessity to include the offence ~~fell~~ under Sec 304 A in the Extradition Act ~~was~~ does not fell.

The necessity to include the offences under Sec 489 A & 489 D is now felt as shown by I.G.P.

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

App. F. III—2]

4471

6

General and Revenue Secretariat. | No. File No. 266 of 1926.

Serial No.

The Residency may perhaps be moved to take steps to get the Extradition Act amended so as to include offences under sections 304 A & 489 A & 489 B &c. in the list of extraditable offences.

3rd June

Yes. Please put up draft.

CRS 7/7/27

8/7

8/7

8/7

Send with a draft for consideration

Please type & see draft

14/7

Send with a typed draft for consideration.

15/7 Secy (L-D) 18/7

3rd June

Please revise the draft so as to be self contained. Letters from subordinate officers should not be forwarded to Govt unless absolutely necessary.

CRS 21/7

OFFICE OF THE HOME MEMBER OF COUNCIL. 20 JULY 1927 No. 535

NOTE—Contn. sheet.

WD 2293—GPB—10,000—4-5-27

5898
4471

App. F. III—2]

General and Revenue Secretariat.

Clo File No. 268 of 1926.

Serial No.

Please type as revised

Draft with typed draft as revised for approval

Secy (L.D)

Draft may be app[d]

OFFICE OF THE THIRD MEMBER OF COUNCIL
3 AUG 1927
No. 877

Draft approved

Noted personally
the minister
wants this to be
dealt with [illegible]

Draft approved

29/8/27

with a copy of the
[illegible] Manual and
[illegible] Penal code

To
The Secy to the Govt of India
Letter no Pol 28 dt 1.9.27
Requests for reasons that the Govt of India
be moved to include the officers under

NOTE—Contn. sheet.

General and Revenue Secretariat.

File No. 268 of 1926.

Serial No.

section 30 4 A and 489 A to 489 D in the Schedule to the Extradition Act.

Jom

3 Message to the Resident

Letter no 9157/J 8-9-27

States that as per section 9 of the Extradition Act it is possible to obtain the surrender of persons charged with the commission of non extradition offences and enquires whether notwithstanding this provision the Govt. of Mysore still desire the inclusion of the offences concerned within the first schedule to the Act cited

30 Section 9 provides for cases of surrender of accused persons accused of non extradition offences. The procedure in respect of the surrender of such persons is the same as provided for in section 3 of the Extradition Act. This procedure is somewhat round about Our Govt. will have to apply to the local Govt. through the Political Agent (Now the Resident) and sanction of the local Govt. would have to be obtained for the surrender. Before the sanction of the local Govt. could be obtained a British Indian magistrate would have to hold a preliminary enquiry examine the evidence with a view to find out whether

NOTE—Contn. sheet.

WD 0324 -GPB—60,000—24-5-27

General and Revenue Secretariat.

No. File No. 268 of 1926.

Serial No.

a prima facie case has been made out in his opinion and if any delay in the grant of sanction occurs, the accused could be released by the order of the High Court. Generally, one month should take nearly a month in most cases to trace and give evidence for a preliminary enquiry by a magistrate first in order to find out whether a prima facie case has been made out. Necessarily some time is taken for enquiry and application for extradition. It will be only about a fortnight more for the maximum period of remand of 2 months when the application is made to the Hon'ble the Resident for the surrender of the accused. It will take nearly another 2 months to get the sanction of the local govt. for the surrender of the accused. By this time the witnesses might be tampered and evidence lost, especially in cases under section 304 A I.P.C. For the above reasons, the Hon'ble the Resident may be requested to move the govt. of India for the inclusion of the offences in the first schedule.

Submitted for orders

B/
14/9/27
AM
1579

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. | File No. 266 of 1926

Serial No.

31 In reply to the letter dated 1st September 1927 the Residency have invited reference to - Section 9 of the Indian Extradition Act and inquire whether, notwithstanding this provision, the Government of Mysore still desire the inclusion of the offences concerned within the First Schedule to the Act. Under the Indian Extradition Act of 1923, Chapter II deals with surrender of fugitive criminals in case of Foreign States, and Chapter III deals with the surrender of -- fugitive criminals in case of States other than Foreign States. Section 3 provides the procedure for the surrender of fugitive criminals in cases where a requisition is made by a Foreign State. When such a requisition is made to the Government of India or the Local Government, the latter may, if it thinks fit, issue an order to any Magistrate who would have had jurisdiction to inquire into the crime if it had been an -- offence committed within the local limits of his jurisdiction, directing him to inquire into the case. The Magistrate then inquires in to the case by taking evidence in support of the requisition and also ~~in~~ evidence to show that the crime is an offence of a political character or is not an extradition crime. The Magistrate then -- reports the result of the inquiry to the Govt. of India or the Local Government, as the case may be, for their consideration. The Gov

NOTE—Contn. sheet

General and Revenue Secretariat. | do File No. 26 of 1926.

Serial No.

may refer such a case to the High Court if it raises an important question of law. Upon consideration of such report, if any, if the Govt. is of opinion that the criminal ought to be --- surrendered, it may issue a warrant for the -- surrender of the criminal to the Foreign State. It may be mentioned here that in the course of the inquiry the Magistrate may, if a prima facie case is made out in support of the requisition, commit the fugitive criminal to prison or he may let him out on bail. If within 2 months after such a committal no warrant is issued for the surrender of the criminal, the High Court may -- discharge him unless sufficient cause is shown to the contrary. Under Section 5 if the Govt. of India or the Local Government is of opinion that the crime is of a political character it may refuse to issue any order under Section 3. It may also stay any proceedings taken and -- direct any warrant issued to be cancelled and the person discharged.

92 Under Section 7 when an extradition offence has been committed or is supposed to have been committed by a person not being a European -- subject in the territories of any State not being a Foreign State, and such person escapes -- into or is in British India, and the Political Agent in or for such State issues a warrant and addresses it to the District Magistrate of District in which such a person is believed be, for his arrest and delivery, Such M

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. | c/p File No. 266 of 1926.

Serial No.

shall act in pursuance of such warrant. The accused person is arrested and forwarded to the place and delivered to the person or authority indicated in the warrant.

33 Under Section 9 when a requisition is made to the Government of India, or to any Local Govt. by or on behalf of any State not being a Foreign State, for the surrender of any person accused of having committed an offence in the territories of such State, such requisition is to be dealt with in accordance with the procedure prescribed by Secn. 3 stated above. The requisition should -- further be made through a Political Agent, if -- there is one. It will thus be seen that when a requisition is made for the trial of a person accused of having committed an extradition offence the Political Agent, if he is satisfied, issues the warrant direct to the District Magistrate of the District in which the accused is believed to be, for his arrest and delivery. The Foreign -- State in this case sends a requisition to the -- Political Agent. Where however a requisition is made for the surrender of a person accused of having committed a non-extradition offence, the requisition has to be made to the Government of India or the Local Government, through the Political Agent and then that Government acts under -- Secn. 3 in accordance with the procedure prescribed above. Under that procedure it is left to the

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. File No. 268 of 1926

Serial No.

discretion of the Government of India or the - Local Government to surrender or not the accused person. Whereas when a warrant for an extradition offence is issued by Section 7 by the Political Agent no such discretion is exercised.

34 Besides, the procedure under Section 3 would involve considerable delay in the surrender of the accused for an inquiry has first to be made in Mysore that a prima facie case has been made against the accused and the same procedure has to be gone through before the Magistrate in -- British India to satisfy him that an offence -- has been committed. If an important question of law is involved in the case the High Court - may have to inquire into it and give its opinion.

35 If a person in such cases is arrested and committed to prison and if the above said --- inquiries are not complete within the course of two months the accused may be released by the - High Court unless sufficient cause is shown to the contrary. Such a delay may perhaps be prejudicial to the prosecution. It is therefore - submitted that the procedure prescribed for -- extradition offences would be more advantageous to the Government than that prescribed for non-extradition offences. As pointed out in the - letter to the Residency when offences relating to coins and stamps are made extradition --- offences there is no reason why offences relating to currency notes and bank notes should not

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

Serial No.

be so ~~included~~ made and the simple procedure prescribe for the former should not be adopted for the --- latter. Inorder therefore to have a simple procedure it was proposed to include these offences in the Schedule.

Sec 2.D) 22/9

26 This marginal note was suggested by Mr. Nagappa RR 23/9. 25/9

27 The procedure prescribed for surrender of fugitive criminals is different in each of the following cases in the case of a criminal committing an extradition offence e.g offences mentioned in Schedule I & in the case of offences not mentioned in the said schedule.

In the former case, the Court in the State holds a preliminary enquiry. If a prima facie is made out, the State applies to the Political Agent for the issue of a warrant for the surrender of the criminal. Under Sec 7, Political Agent is empowered to issue a warrant. But in the case of the latter, a requisition has to be made by the Govt of India through the Political Agent

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

General and Revenue Secretariat. (b) File No. 268 of 1926

Serial No.

Before applying to the G of India, it will be necessary to hold the preliminary enquiry to make out a prima facie case.

Under sec 9 Govt of India has a discretion to order an independent enquiry by a Magistrate in Br India.

Such a Magistrate has to submit a report to the Govt of India with the Statement of the accused

If the Govt of India is of opinion that the accused ought to be surrendered it may issue a warrant. (vide sec 3,(6))

If, however, an important question of law is raised, the matter will be referred to the High Court. The fugitive criminal will not be surrendered until the decision of the High Court is reached.

37 It will thus be seen that a considerable delay takes place before the prisoner is formally brought to trial before the Court within whose jurisdiction the offence was committed & much of valuable evidence will be lost resulting often in the miscarriage of justice.

NOTE—Contn. sheet

36) The Residency may perhaps be intimated that the procedure pointed out supra will invariably result in miscarriage of justice

WD 0321—GPB—60,000—24-5-27

General and Revenue Secretariat.

C/o File No. 266 of 1926.

Serial No.

OFFICE OF THE THIRD MEMBER OF COUNCIL.
3 DEC. 1927
No. 5200

3rd Mem^r

2/12

I agree. Please put up a letter to Resy pointing out that the procedure under Secy is very complicated & that the inclusion of the Items under repl & ordinarily expenditure items would be desirable &c.

Please submit copy Extradition Act when file is sent up with draft.

Secy
6/12
SA
6/12
SP
7/12

41.

Subd with a draft and a copy of the Extradition Act

GS
13/12
SA 13/12

Please type out draft & submit.

SP
21/12

Typed draft put up

SP
23/12/27
SA 23/12/27

A draft letter to the Resy is submitted for consideration.

SP
4/1
SA
4-1
SP
4-1

Reg (A. D)
3rd Mem^r.

cannot a requisition be made under Section 46 a Local Govt?

SP
21/12

OFFICE OF THE THIRD MEMBER OF COUNCIL.
5 JAN. 1928
No. 616

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

SA 5/1
5/1/28
SA 5/1.

45 60

17

App. F. III—2]

General and Revenue Secretariat.

45 File No. 268 of 1926-27

Serial No. 4

To The Secy to the Resident.
Pol 723 8/6.1-28.
Request to move the Govt of India for the inclusion of the offences in question in the Ninth Schedule to the Extradition Act for reasons mentioned in letter No Pol 2808/1-9-27

From

The Secy to the Resident
Letter no 26(48)/15-3-28

States that the Govt. of India regret that they are unable to agree to the proposal as there does not appear to be a strong enough case to justify the legislation involved.
Forwd with a draft to the D.G. Police. It is not known why legislation is necessary in the matter as these offences can be added on by a notification by the Govt of India (Vide last para in the First Schedule) ~~and hence a similar notification should also be issued~~.

R/26/3/28

For orders as to whether a further reference may be made to the Residency, inviting attention to the fact that no legislation is necessary to add the

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24-5-27

4560 14

App. F. III—2]

General and Revenue Secretariat. File No. 288 of 1928.

Serial No.

Offences in question form list of schedules offences in the Schedule but only a notification by the Govt. of India in Council

Secy) 28/3

There is no need to press this matter

3rd Member

30/3

Secy

2/4

2/4.

Noted with thanks the receipt of the Govt of Nicobar's report.

4/4

4/4

6 To the Supdt of Police

No. 6012 dt. 7.4.28.

States that the proposal is not agreed to by the Govt of India.

4/4

OFFICE OF THE THIRD MEMBER OF COUNCIL
30 MAR. 1928
No. 9432

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

447/1926

Office of the

No. C 237/26.

Inspector General of Police in Mysore,

Dated Bangalore 28th March 1927.

30. cls. 268-26.

From

P. F. Bowring, Esqr. J.P.,

Inspector General of Police in Mysore,

Bangalore.

To

B. Nagappa, Esqr., Bar-at-law.,

Secretary to the Government of Mysore,

Law Department.

Sir,

I have the honor to bring to the notice of Government that the marginally noted offences under the Indian Penal Code have not been made extraditable, under the Indian Extradition Act of 1903 and the --- Mysore State Police cannot get the accused concerned in these cases arrested and brought to trial by the Mysore Courts.

...ing death by negligence (Section 304 A, I.P.C.)

...counterfeiting currency notes ... bank notes (Section 489A, I.P.C.

...ing as genuine forged or counterfeit currency notes or bank notes (Section 489 B, I.P.C.)

...ssession of forged or counterfeit currency notes or bank notes (Section 489 C, I.P.C.)

...aking or possessing instruments or materials for forging or counterfeiting currency notes or bank notes (Section. 489 D)

Several motorists from outside Mysore State pass -- through the limits of the State. A few cases under section 304 A have been registered against the drivers of such motor cars for having caused death of persons by rashly or negligently driving the vehicles and on account of non-inclusion of these offences as extraditable as mentioned in para 1 Supra, the State Police cannot get the offenders arrested in British Territory and bring them for trial in the Mysore Courts.

A native of Sasavalu village in British India uttered as genuine a forged currency note in the Jagalur Taluk Treasury and thereby committed an offence punishable under section 489 B of the Indian Penal Code and went away to his native place. The Chitaldrug District Police could not get him arrested and

2

bring him for trial in the Court of the Special 1st class Magistrate Davangere and the case is pending disposal in the said Court for a very long time.

I, therefore, reque[redacted] you may be so good as to move Government to address the Government of India to amend the present Act so as to include these offences in the 1st schedule to the said Act.

I have the honor to be

Sir,

Your most obedient servant,

Inspector General of Police.

3

Pol. 280 & 11/9/27

To

The Secretary to the Resident.

Sir,

Cb 268.26.2

I am directed to state that in the list of Extradition offences mentioned in the First Schedule to the Indian Extradition Act, XV of 1903, offences under sections 304 A, ~~I.P.C.~~ and 489 A to 489 D of the I.P.C. find no place. Of the offences causing -- death under the I.P.C., sections 299 to 304 have been included in the Schedule to the Extradition Act, but not 304 A, and there is no apparent reason why the section should be excluded. ~~The~~ ~~particularly in these days~~ ~~when deaths are frequently occurring~~ occurred ~~owing to rash~~ negligent ~~driving of motor vehicles~~. ~~The I.G.~~ It is well known ~~of Police reports~~ that several motor ~~lists~~ cars from outside Mysore pass thro' ~~the limits of~~ the State and it is reported that a few cases under section 304 A have been registered against the drivers of such motor cars for having caused the death of persons by rashly or negligently -- driving ~~motor vehicles~~ their cars. There is ~~no~~ absolutely no way of prosecuting these offenders if they happen to be Mysore subjects and ~~if they~~ escape into British India ~~after committing such offences in Mysore~~. Again offences relating to currency notes and Bank notes are as serious as offences relating to coins and stamps, but while the latter have been included in the list

Suspicion has more than once come to notice in cases

9.8.27

list of extradition offences (sections 230 to 263 A) the former have been excluded. It is reported that an -- offence under section 489 B,I.P.C.— uttering a forged currency note was genuine committed in the Jagalur Taluk Treasury and that the offender having escaped to British Territory the Police could not get him arrested for being brought to trial in the Court of the Special First Class Magistrate, Davangere. be unable to take any action against him.

Under these circumstances, I am to request that the Government of India may kindly be moved to include the -- aforesaid offences in the First Schedule to the Extradition Act, 1903.

I have, etc.,

CSS
29/8/27

30/7

Secretary to Govt.,
Law Dept.

KNN

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 9157 / 205-1904 ENC.

1407 P 27
08043

FROM

Major K. A. G. Evans Gordon,
SECRETARY TO THE RESIDENT IN MYSORE.

Pol 315

P

To

Cf 268-26 3 P

The Legal Remembrancer and Secretary
to the Government of Mysore, Law Department.
Dated Bangalore, 8th September 1927.

Subject.

SURRENDER OF PERSONS CHARGED WITH NON-EXTRADITION OFFENCES.

SIR,

R9 8/9,

I am directed to refer to your letter No.Pol. 280/268-26, dated the 1st September 1927, in which you apply for the inclusion of certain offences within the First Schedule to the Indian Extradition Act, 1903.

2. I am, in this connection, to invite a reference to section 9 of the Act under which it is possible to obtain the surrender of persons charged with the commission of non-extradition offences. I am now to inquire whether, notwithstanding this provision, the Government of Mysore still desire the inclusion of the offences concerned within the First Schedule to the Act.

8-9 9/9 9.9

I have the honour to be,
Sir,
Your most obedient servant,

K Evans Gordon

Major.
SECRETARY TO THE RESIDENT.
SVR

Pol No 723
dy 6-1-1928.

To

The Secretary to the Hon'ble
the Resident in Mysore.

Sir,

With reference to your letter No.9157/205-1904, dated 8-9-1927, in the matter of the inclusion of certain offences in the First Schedule to the Indian Extradition Act, 1903, I am directed to state that when a requisition is made under Section ~~9 of the Indian Extradition Act~~ for the surrender of fugitive criminals who are accused of having committed non-extraditable offences, such requisition is to be dealt with in accordance with the procedure prescribed in section 3 of the Act. Under the latter section, a requisition has to be made to the Government of India through the Political Agent after -- holding a preliminary enquiry by a Magistrate in British India, who has to submit his report to that Government with the statement of the accused. If an important question of law is raised, they may refer the matter to the High Court. Upon receipt of such report or the decision of the High Court, the Government of India or the Local Government may issue a warrant directing the surrender of the criminal. Besides there is the chance of the accused himself moving the High Court for his release if the warrant for his surrender is not issued within 2 months from the date of his committal to prison, unless sufficient cause is shown to the contrary. Thus there is scope for considerable delay before the prisoner is formally brought to trial

7

before the court within whose jurisdiction the offence was committed and it is feared that by such delay much of the valuable evidence will be lost, resulting often in miscarriage of justice. I am therefore to request you to kindly move the Government of India for the inclusion of the offences in question in the First Schedule ~~of~~ 16 the Extradition Act for reasons mentioned in my letter No.Pol.280 dated 1-9-1927.

I have, etc.,

28/4/1/24

Secretary to Govt.,
Law Department.

KNN

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. Pol 72396-1-26 *Dated, Bangalore,* 192

From

B. NAGAPPA, Esq., Bar-at-Law.
Secretary to the Government of His Highness the Maharaja of Mysore
Law ~~Department~~ Departments

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

With reference to your letter No.9157/[illegible]05-1904, dated the 8th September 1927, in the matter of the inclusion of certain offences in the First Schedule to the Indian Extradition Act, 1903, I am directed to -- state that the provisions of Section 9 of the Indian Extradition Act are not adequate. When a requisition is made under that Section for the surrender of fugitive criminals who are accused of having committed non-extraditable offences, such requisition is to be dealt with in accordance with the procedure prescribed in Section 3 of the Act. Under the latter Section, a requisition has to be made to the Government of India or the Local Government through the Political Agent after holding a preliminary enquiry to make out a prima facie case against the accused. The Government of India or the Local Government may order an independent enqu ry by a Magistrate in British India, who has to submit his report to that Government with the statement of the accused. If an important question of law is raised, the Government may refer the matter to the High Court. Upon receipt of such report or the decision of the High Court, the Government of India or the Local Government may issue a warrant directing the surrender of the criminal. Besides there is the chance of the accused himself moving the High Court for his release if the warrant for his surrender is not issued within two months from the date of his committal to prison, unless sufficient cause is shown to the contrary. Thus there is scope for considerable delay before the prisoner is formally brought to trial before

the

9

the Court within whose jurisdiction the offence was committed and it is feared that by such delay much of the valuable evidence will be lost, resulting often in miscarriage of justice. I am therefore to request you to kindly move the Government of India for the inclusion of the offences in question in the -- First Schedule to the Extradition Act for reasons mentioned in my letter No.Pol.280 dated 1st September 1927.

I have the honor to be,

Sir,

Your most obedient servant,

Fair Copy for file

Secretary to Government,

Law Department.

B

KNN

4560-927 P 10

communications be addressed to Secretary to the Mysore, by designation not by name.

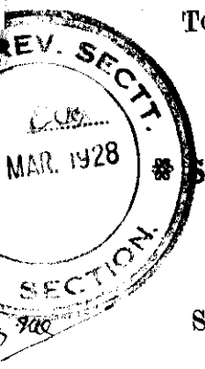
No. 2648 ENCLOS. Dated Bangalore, 15 Mar. 1928.
205-1904

24136 Pol. 1144

FROM Major K.A.G.Evans Gordon,

SECRETARY TO THE RESIDENT IN MYSORE.

CB 168 26-5



To The Secretary to the Government of Mysore,
Law Department.

Subject :—

Proposal for the inclusion of certain offences in the First Schedule to the Indian Extradition Act, 1903.

SIR,

With reference to your letter No.Pol.783/P dated the 6th January 1928, I am directed to state that the Government of India regret that they are unable to agree to the proposal as there does not appear to be a strong enough case to justify the legislation involved.

I have the honour to be,
Sir,
Your most obedient servant,

K Evans-Gordon

Major.
SECRETARY TO THE RESIDENT.

NR

[A. P. F. VI. G]

SUBJECT.....

.....

.....

Section 15

File No. 266-21

Serial No. 6

No. 6012

To The Govt of

Sir

With reference to your letter no C 2 317/26 dt 28-3-27 30-3-27 proposing ~~requesting~~ that the offences under sections 301 A, 489A, 489B, 489C & 489D may be made cognizable

I am directed to state that the Govt of India regret that they are unable to agree to the proposal as these offences do not appear to be a strong enough case to justify the legislation involved

I have etc

Proposal is not agreed to by the

Date of letter replied to.....

& General and Revenue Secretariat

( )

the 192

Date of issue 7/4/27

Signed by Mr NS

List of enclosures.....

Copied by Mr S/4

Examined by .....

over

WD0325—GPB—30,000—26-5-27

2613/28